

(MR. SPEAKER)

State Sri Doddametti met me and told me that if this point was repeated now and then and left undecided, it would cause him embarrassment. Therefore, it is better that we decide this point. The hon. Member Sri Nagappa may briefly mention what are the points.

SRI M. NAGAPPA.—It was the understanding of the House yesterday that other members will also take part in this discussion. If the Chair says that they have no say in the matter, then I will explain my point of order.

MR. SPEAKER.—Please be brief.

SRI M. NAGAPPA.—Sir, in sub-rule (3) of rule 44, the word 'Minister' is mentioned. The word 'Minister' has not been defined in the Constitution, but it has been defined in the Rules. On page 2 of the Rules of Procedure and Conduct of Business in the Legislative Assembly, the word 'Minister' has been defined as follows :

“ ‘Minister’ means a member of the Council of Ministers and includes a Deputy Minister and a Parliamentary Secretary ; ”

In articles 163 and 164 of the Constitution also the words 'Council of Ministers' have been mentioned ; but it has not been defined in the Constitution. So, it is not very clear whether a Minister of State comes under the Council of Ministers, but a Deputy Minister has been included in it. At the time of framing the rules, it was not in the minds of the members of this House that there should be Ministers of State and so they have not included 'Ministers of State' in the definition of 'Council of Ministers'. In the rules of Parliament it has been mentioned that 'Minister' means a member of the Council of Ministers, Minister of State, Deputy Minister and Parliamentary Secretary. This is an exclusive definition. So, unless this rule is amended so as to include a Minister of State, his status cannot be recognised in this house. These rules have been framed under article 208 of the Constitution. It has been accepted by the Supreme Court in 1959 that these rules have the force of law. Therefore, these rules have got the sanction of law.

Secondly, the Ministers' Salaries and Allowances Bill is also there. When the Accountant General is not prepared to accept these State Ministers and is not permitting them to draw their salary and other bills how can this House accept these State Ministers, who are not competent to represent matters of the Government, before this House ? When the Accountant General is competent to say that he is not prepared to give a single pie from the funds, it is impossible for this House to accept these Ministers of State as Ministers of this House. Therefore, I respectfully submit that unless the rules are amended and these Ministers of State are included in the definition of Ministers, these Ministers of State should not be recognised so far as the proceedings of this House are concerned.

Here, the Hon'ble Chair may quote M. N. Kaul's practice and procedural rules. In that book they have interpreted about allowances and salaries of the Central Government, wherein the Minister of State has also been included in the definition of the Rules of Procedure. That definition given in the Parliamentary Practice of M. N. Kaul, does not apply to this particular case, because our rules are silent about the Minister of State. Therefore these Ministers of State are not recognised in our rules and they are not entitled to answer supplementaries unless Rule 44 is amended.

**Sri H. SIDDAVEERAPPA.**—Sir, the only way is either to downgrade them or upgrade them. Since they are my good friends, I propose that they may be upgraded.

**Sri S. S. SHETTAR.**—Sir, I may be permitted to say a few words in this connection.

**Mr. SPEAKER.**—Let it be known to all the Hon'ble Members that Points of Orders under Rule 311 do not permit any debate. If I feel that I am in need of any education on a particular point, I request the members to enlighten me. Sri M. Nagappa has explained the point in an elaborate manner, and I don't think it requires any further elucidation.

**Sri S. S. SHETTAR.**—Sir, I wanted to say.....

**Mr. SPEAKER.**—I remember the member has made a suggestion that any other Minister can reply on behalf of a Minister of State.

Hon'ble Member Sri M. Nagappa has raised a point that the Hon'ble Minister of State Sri A. J. Doddameti, is not permitted under Rule 44 to reply supplementaries. The ground on which he raised this point is that the definition of a Minister as given in Rule 2 does not include a Minister of State. It is for me to consider whether the definition, as contained in Rule (2) of the Rules of Procedure and the provisions contained in Article 163 of the Constitution of India, apply and cover Minister of State also. As regards the Constitutional provision, the Hon'ble House may see that the words used there are "Council of Ministers." It does not explain whether the Ministers there should be a Cabinet rank Minister or a Minister of State or a Deputy Minister or a Parliamentary Secretary. The term "Council of Ministers" is all inclusive and very comprehensively used by the authors of the Constitution of India. Therefore, as far as I understand there is no doubt in my mind that the word "Council of Ministers" includes Ministers of all description, Cabinet rank Ministers, State Ministers, Deputy Ministers and Parliamentary Secretaries and such other Ministers, which either the Prime Minister of India or the Chief Minister of a State, may within their discretion, request the President or the Governor respectively to appoint.

**Sri M. NAGAPPA.**—Sir, with due permission, I would like to submit, that Deputy Ministers and Parliamentary Secretaries are included there. If you say that it is so comprehensive enough, then inclusion of Deputy Ministers and Parliamentary Secretaries, I feel, is superfluous.

**Sri M. S. KRISHNAN.**—Sir, I have a Point of Order. I request you to bear with me for a minute.

**Mr. SPEAKER.**—I think it is breach of rules to raise a Point of Order when a Ruling is given by the Chair.

**Sri M. S. KRISHNAN.**—Sir, my submission is this. You cannot give a Ruling on a Point of Order particularly during Question Hour nor can a Point of Order be raised during Question Hour, and even discussion on questions is not allowed during Question Hour. You are allowing a Point of Order to be discussed and a Ruling is being given. I submit that during Question Hour only questions should be allowed. I request the Chair to suspend the rules for some time and see that the Question Hour is extended.

**Mr. SPEAKER.**—I shall extend the Question Hour by 15 Minutes to make up the loss of time.

**Sri M. S. KRISHNAN.**—Sir, it may be extended by half-an-hour.

**Mr. SPEAKER.**—I was saying that it is quite open to the Prime Minister of India and to the Chief Minister of any of the State Governments to create Ministers of any description. Therefore, it is absolutely clear that the words used in Article 163 of the Constitution, include Ministers of all description. Now, an important point is raised by the Hon'ble Member Sri Nagappa about the definition in Rule 2 of our Rules of Procedure which says:

“ ‘Minister’ means a member of the Council of Ministers and includes a Deputy Minister and a Parliamentary Secretary. ”

This definition consists of two parts: the definition about the Council of Ministers.

The question now to be decided is whether a Minister of State is a Member of the Council of Ministers. As I have known, these words are borrowed from Article 163 of the Constitution of India and therefore, they bear the same meaning here. I hold that the words “Council of Ministers” as used in the Rules of Procedure, include the Minister of State also. As regards the second part, which includes Deputy Ministers and Parliamentary Secretaries, Sri Nagappa, suggested that it is redundant and superfluous and it was not necessary to include it. I would say that as a measure of abundant care, the authors have included it to make the whole thing very clear. They have framed these rules to clear any doubt that may arise in the minds of members.

9-00 A.M.

Hon'ble Member Mr. Nagappa has brought to my notice that the Rules of Procedure adopted in the Lok Sabha do not mention Council of Minister. It is only inclusive. This is so here also. Therefore there is no difficulty for me to hold that the Minister of State is competent to answer supplementaries under Rule 14. The definition is clear. The definition is not only inclusive, but it gives an independent definition. It means that the Minister is a member of the Council of Ministers. Therefore, I rule that the Minister of State is a Minister competent to answer supplementaries under rule 44.

### Savalsanga Tank of Indi Taluk

62. SRI S. S. ARAKERI (Ballolli).—

Will the Minister for Public Works be pleased to state :—

- (a) the year in which there was a breach of the dam of Savalsanga tank of Indi Taluk in Bijapur District ;
- (b) the reason for the delay caused for its repair ;
- (c) whether there is a proposal to repair it now ;
- (d) whether any estimated amount has been provided in the budget of this year (1968-69) ;
- (e) if not when the Government proposes to take up this work ?

A.—SRI A. J. DODDAMETI (Minister of State for Minor Irrigation).—

- (a) 1948.
- (b) This tank is a village water supply tank and not an Irrigation one. The repair work was intended to be taken up as a scarcity work. But due to various causes, the repair work could not be taken up.
- (c) This will be considered after the estimate is finalised.
- (d) No.
- (e) Same reply as at (c) above.

ಶ್ರೀ ಎನ್. ಎಸ್. ಅರಕೇರಿ.—ಈ ಕೆರೆ ಒಡೆದು 20 ವರ್ಷಗಳಾದರೂ ಏಕೆ ರಿಪೇರಿಮಾಡಿಲ್ಲ ? ಅಲ್ಲದೆ ಇದು ನೀರಾವರಿ ಕರೆಯಲ್ಲ ಎಂದು ಉತ್ತರ ಕೊಡಲಾಗಿದೆ. ಅಲ್ಲಿ ನುಮಾಲು 8 ಸಾವಿರ ಜನನಂಜು ಇದ್ದರೂ ಕೆರೆ ರಿಪೇರಿ ಮಾಡದಿರುವುದರಿಂದ 20 ವರ್ಷಗಳಿಂದ ತೊಂದರೆಯಾಗುತ್ತಿದೆ. ಇದಕ್ಕೆ ಸರಕಾರದ ಅದಕ್ಷತೆ ಕಾರಣವೇ ಅಥವಾ ಇಂಜಿನಿಯರುಗಳ ಅಲಕ್ಷ್ಯ ಕಾರಣವೇ ?

† ಶ್ರೀ ಎ. ಜೆ. ದೊಡ್ಡಮೇಟಿ.—ಈ ವಿಷಯದಲ್ಲಿ ವಿವರವನ್ನು ತಿಳಿಸುತ್ತೇನೆ. ಈ ಕೆರೆಯನ್ನು ಬಹಳ ವರ್ಷಗಳ ಹಿಂದಕ್ಕೆ ಕಟ್ಟಲಾಗಿದೆ. ಇದನ್ನು ನೀರಾವರಿ ಕೆರೆ ಎಂದು ಕಟ್ಟಿದ ಗ್ರಾಮಕ್ಕೆ ನೀರು ಪುರೈಸುವುದಕ್ಕೆ ರಚಿಸಲಾಗಿತ್ತು. 1948-49 ನೇ ಇಸವಿಯಲ್ಲಿ ಹಿಂದೆ ಎಂದೂ ಆಗಿರದಷ್ಟು ಅತಿ ಹೆಚ್ಚಿನ ಮಳೆಯ ಮೂಲಕ ಈ ಕೆರೆಯು ಒಡ್ಡಿನಲ್ಲಿ ಒಡಕುಂಟಾಯಿತು. ಈ

† indicates that the remarks or speeches have not been revised by the member concerned.